

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**ROBERT CARMACK,**  
Plaintiff,

Case No. 18-cv-11018

v

Hon. Matthew F. Leitman

**CITY OF DETROIT**, a municipal corporation,  
**DETROIT BUILDING AUTHORITY**,  
**GABE LELAND**, in his official and individual capacities as the duly elected  
member of the Detroit City Council,  
**MIKE DUGGAN**, in his official and individual capacities as the duly elected  
Mayor of the City of Detroit,  
**ERIC SABREE**, in his official and individual capacities as the duly elected  
Treasurer for Wayne County,  
Defendants.

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**PLAINTIFF’S RESPONSE TO THE COURT’S OCTOBER 9, 2018 ORDER  
TO SHOW CAUSE [40].**

**NOW COMES** PLAINTIFF ROBERT CARMACK, by and through his  
legal counsel, ANDREW A. PATERSON, and for his Response to the Court’s  
October 9, 2018 Order to Show Cause [40] (“Response”), states as follows:

On August 17, 2018, Defendant Building Authority filed a motion to dismiss  
Plaintiff’s first amended complaint [31]. On September 10, 2018, the Court  
entered a stipulated order extending the time for Plaintiff to respond to Defendant  
Building Authority’s motion to dismiss [31] until September 28, 2018. (Docket  
No. 38). On October 9, 2018, the Court entered an order to show cause for the  
Plaintiff to show cause why the Court should not grant Defendant Detroit Building

Authority's motion to dismiss [31]. (Docket No. 40). After reviewing the Court's October 9, 2018 order to show cause [40], on October 14, 2018, Plaintiff filed an Emergency Motion for Extension of Time to File A Response to Defendant's Motion to Dismiss [31]. (Docket No. 41).

As explained in Plaintiff's Emergency Motion for Extension of Time [41], there have been extenuating circumstances that have prevented Plaintiff's counsel from filing a timely response to Defendant Detroit Building Authority's motion to dismiss [31]. As noted in Plaintiff's Emergency Motion for Extension of Time [41], Plaintiff's counsel's very busy case load and the recent indictment of Defendant Gabe Leland, which required Plaintiff to engage in private meetings and discussions with the U.S. Department of Justice and FBI, Plaintiff's counsel has not had adequate time to confer with Plaintiff to discuss the merit of Defendant Detroit Building Authority's motion to dismiss [31].

Plaintiff's counsel needs until October 29, 2018 to file a response to Defendant Detroit Building Authority's motion to dismiss [31] because Plaintiff's counsel has been involved in two (2) new high-profile civil cases that involved emergency show cause hearings for preliminary injunctions. In fact, Plaintiff's counsel has a preliminary injunction hearing before U.S. District Judge Gershwin Drain this Friday at 9:30 a.m. in one of the high-profile cases.

Additionally, Plaintiff's counsel needs additional time because, as this Court is aware, Defendant Councilman Gabe Leland was recently indicted by a federal grand jury based upon allegations pled in Plaintiff's first amended complaint. (**See Defendant Gabe Leland's indictment attached as Exhibit A**). As a result of Defendant Councilman Leland's recent indictment, Plaintiff's counsel has not been able to confer with Plaintiff to discuss the merits and contents of Defendant Detroit Building Authority's motion to dismiss [31] because Plaintiff and his criminal defense attorney have been consumed with meetings with representatives from the U.S. Attorney's office and FBI regarding Defendant Leland's indictment and the allegations set forth therein.

Plaintiff's counsel believes that he will be able to confer with Plaintiff and file a response to Defendant Building Authority's motion to dismiss [31] on or before October 29, 2018. Due to the aforementioned extenuating circumstances, an extension is warranted to allow Plaintiff's counsel time to adequately prepare a response. The granting of an extension will not in any way prejudice or adversely affect the Defendant Detroit Building Authority because discovery has been stayed by order of this Court and this case is in its early stages.

### **CONCLUSION**

**WHEREFORE**, for the foregoing reasons, and for the reasons set forth in Plaintiff's Emergency Motion for Extension of Time [41], Plaintiff prays that this Honorable Court allows Plaintiff until October 29, 2018 to file a response to Defendant Detroit Building Authority's Motion to Dismiss [31].

**Dated: October 14, 2018**

Respectfully submitted,

/s/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Plaintiff  
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### **CERTIFICATE OF SERVICE**

I, ANDREW A. PATERSON, certify that forgoing document(s) was filed and served via the Court's electronic case filing and noticing system (ECF) this 14th day of October, 2018, which will automatically send notification of such filing to all attorneys and parties of record registered electronically.

Dated: October 14, 2018

Respectfully submitted,

/s/ ANDREW A. PATERSON  
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